"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी.2-22-छत्तीसगढ़ गजट / 38 सि. से. भिलाई, दिनांक 30-05-2001."

पंजीयन क्रमांक
"छत्तीसगढ़/दुर्ग/09/2012-2015."

छत्तीसगढ़ राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 132] रायपुर, शुक्रवार, दिनांक 21 मार्च 2014— फाल्गुन 30, शक 1935

HIGH COURT OF CHHATTISGARH, BILASPUR

Bilaspur, the 14th March 2014

NOTIFICATION

No. 289/Confdl./2014 /I-1-7/2001. — In exercise of powers conferred under Section 16 (2) of the Advocates Act, 1961and in supersession of the existing Rules on the subject, the High Court of Chhattisgarh makes the following rules :-

RULES.

1. **Short Title and Commencement** :-

   (1) These Rules shall be called the High Court of Chhattisgarh (Designation of Senior Advocates) Rules, 2014.

   (2) It shall come into force on the date of its publication in the Official Gazette.

2. **Definitions** :- In these Rules, unless the context otherwise requires-

   (i) "Acting" means filling an appearance or any pleadings or applications in any Court, Tribunal or Authority in India, or any act (other than pleading) required or authorized by law to be done by a party in such court or tribunal either in person or by his recognized agent or by an advocate or attorney on his behalf ;

   (ii) "Advocate" means an advocate defined in the Advocates Act, 1961.

   (iii) "Chief Justice" means the Chief Justice of the High Court of Chhattisgarh.

   (iv) "Committee" means a Committee constituted under Rule 4.

(v) "Instructing Advocate" means an advocate other than a Senior Advocate, who has been instructed by the party in the matter.

(vi) "Registrar General" means Registrar General of the High Court of Chhattisgarh.

(vii) "Tribunal" includes any authority or person, legally authorized to take evidence and before whom advocates are by or under any law for the time being in force, entitled to practice ;

3. **Power to designate a Senior Advocate :-**

(i) The High Court may designate an Advocate as Senior Advocate, if in its opinion, by virtue of his ability and standing at the Bar, the said Advocate deserves such distinction.

Explanation.- The term 'standing at the Bar' means the position of eminence attained by an advocate at the Bar by virtue of his seniority, legal acumen and high ethical standards maintained by him, both inside and outside the court.

(ii) The name of an Advocate for being designated as a Senior Advocate may be sponsored in any of the following ways :-

(A) by the Chief Justice or any of the Judge of the High Court ;

(B) by an application made by the Advocate desiring to be designated as such :

Provided that in the case of clause (A) of sub-rule (ii), written consent of the Advocate concerned shall accompany the proposal.

Provided further that the Advocate concerned shall append a certificate that he has not applied to any other High Court for being designated as Senior Advocate or had applied but was not designated by that High Court within the period of two years prior to the date of the proposal or application.

(iii) An advocate shall be considered for being designated as Senior Advocate only if he has completed 45 years of age and has practiced as an advocate for not less than 20 years, of which 10 years practice should ordinarily be in the Courts within the jurisdiction of the High Court of Chhattisgarh including minimum three years of the practice in the High Court of Chhattisgarh. Years of service rendered as Judicial Officer shall be taken into consideration as years of practice as an advocate.

(iv) An advocate to be designated as Senior Advocate should be an Income Tax Assessee for the last 10 years as on 31st March of the year of consideration of his case for designation as Senior Advocate and annual gross income from the legal profession after deducting professional expenses should not be less than Rs. 5,00,000/- for last preceding 03 years.

4. **Committee :-**

(i) The Chief Justice may constitute a committee for consideration of name of eligible advocate as Senior Advocate;

(ii) The application for designation of Senior Advocate shall be presented before the Registrar General ;

(iii) The Registrar General shall submit the application received for designation of Senior Advocate and other information received by him under Rule 2 before the Committee ;

(iv) The Committee shall consider the case of each advocate placed before it by the Registrar General and names of the advocates found eligible by the committee shall be recommended to the Chief Justice.

Explanation :- Case of an advocate, who has been convicted by any competent Court or against whom charge has been framed for the offence involving moral turpitude or the Contempt of Courts Act, 1971, shall not be taken into consideration for designation of Senior Advocate.

Note : Services rendered by an advocate as "Legal Aid Counsel" in conducting sufficient number of cases allotted to him shall be given weightage while recommending his name for designation of Senior Advocate.

5. (1) The application by an Advocate to designate him as Senior Advocate shall contain following particulars :-

1. Name.
2. Qualifications.
3. Date of Birth.
4. Permanent Address.
5. Address of professional office.
6. Date of enrollment as Advocate and where enrolled.
7. Number in the roll of advocates maintained by the State Bar Council and the date on which enrolled.
8. Are you a member of any Association of Lawyers ? If so, give details.
9. Number of years' practice (or judicial service) and in which Court ?
10. Have you specialized in any field of Law? If so, give details.
11. Have you been a chamber junior to any lawyer ? If so, furnish name of such Lawyer/Lawyers and the period held as such.
12. Is any junior lawyer attached to your chamber ? If so, furnish name of such Lawyer and the period held as such.
13. (i) Since when have you been an assessee under the Income Tax Act in respect of your profession.

    (ii) What is taxable income returned for last 5 years and the net income on which you have been assessed.
14. Are you in the panel or do you hold any office under the State or Central Government ?
15. Reference any important matter in which you have appeared.
16. Have you had to your credit any Journal ? if so, give details.
17. Have you attended or participated in any seminar/conference relating to law ?
18. Are you connected with any faculty of law ? If so, give details.
19. Has any application for designation as Senior Advocate been made to the High Court of Chhattisgarh or any other Court before ? If so, with what result ?
20. Are you ordinarily practicing within the jurisdiction of the High Court of Chhattisgarh ?
21. Other information/particulars, if any, including legal aid work.

6. **Full Court to consider Designation of a Senior Advocate** :- (i) The Chief Justice may place recommendation of the Committee before the Full Court for consideration and approval through secret ballot.

(ii) The Full Court may consider and decide recommendation of the Committee by 2/3rd majority of working strength of the Judges by voting through secret ballot.

7. **Designation of Senior Advocate** :- On approval by Full Court, the concerned advocate shall be designated as Senior Advocate by the High Court. On such designation the Registrar General shall notify the fact to the Secretary General, Supreme Court, the Bar Council of Chhattisgarh, the Bar Council of India & Bar Council of India and also to all the District and Sessions Judges subordinate to the High Court.

8. **The name not to be reconsidered for next two years** :- If the name of an advocate has been considered and not approved by the Full Court, it shall not be reconsidered for next two years.

9. **Restrictions on Senior Advocates** :- A senior advocate shall not ;

(i) file a Vakalatnama or Memo of Appearance or act in any Court or Tribunal;

(ii) appear before a Court or Tribunal without an instructing advocate ;

(iii) accept instructions to draw pleadings or affidavits, advise on evidence or do any drafting work of an analogous kind in any Court or Tribunal or undertake conveyancing work of any kind whatsoever. However, these prohibitions shall not extent to settling any such matter as aforesaid in consultation with an instructing advocate;

(iv) accept directly from a party any brief or instructions to appear in any Court or Tribunal ;

(v) enter into direct professional correspondence with a litigant;

(vi) be a standing counsel of any government, public sector undertaking, institution or local or corporate body and if he holds such a position, he shall resign or relinquish the same upon being designated a senior advocate;

Provided that, for the purpose of this sub-rule, holding of the office of the Advocate General, Attorney General, Solicitor General or Additional Solicitor General shall not amount to being a standing counsel.

10. **Withdrawal of the conferment of Senior Advocate** :- (i) The designation of Senior Advocate may be withdrawn by the High Court in the event it is found that after being designated as a senior advocate, he has violated any or all provisions of this Rule or the Rules prescribed by the Bar Council of India under sub-section (3) of Section 16 of the Advocates Act, 1961.

(ii) On receiving information of such violation or in case of his conviction by any competent Court of framing of charges for the offence involving moral turpitude or the Contempt of Courts Act, 1971, the Chief Justice may direct the matter to be placed before the Committee. The Committee after due notice to the senior advocate and after making such enquiry, as may deem fit, submit its recommendation to the Chief Justice.

(iii) The Chief Justice may direct to place recommendation of the Committee before the Full Court.

(iv) The Full Court may consider and decide recommendation of the Committee by 2/3rd majority of working strength of the Judges by voting through secret ballot.

(v) If in the opinion of the Full Court the senior advocate has forfeited his/her privilege, then the High Court may withdraw his/her designation as a senior advocate.

11. **Intimation of withdrawal of conferment of designation of Senior Advocate** :- On withdrawal of designation of a senior advocate, the Registrar General shall notify the fact to the Secretary General, Supreme Court, the Bar Council of Chhattisgarh, the Bar Council of India as also to all the District and Sessions Judges subordinate to

the High Court. The Registrar shall also inform the advocate in writing whose designation of senior advocate has been with-drawn.

12. **A record of all Designations to be maintained** :- A record of all such designations and withdrawals shall be maintained in the Registry of the High Court.

13. **Repeal & Saving** : The Rule framed by the High Court of Chhattisgarh under Section 16 (2) of the Advocates Act, 1961, published vide notification No. 593/Confdl./2005/I-1-7/2001 dated 23rd September 2005 is hereby repealed.

Provided that any order made or action taken under the Rule so repealed shall be deemed to have been made or taken under the corresponding provisions of this Rule.

By order of the High Court,
ASHOK PANDA, Registrar General.

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय मुद्रणालय, रायपुर से मुद्रित तथा प्रकाशित - 2014.